

REMARKS

Upon entry of the above amendments, claims 1 and 8 will have been amended and claim 7 will have been canceled. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection, as well as an indication of the allowability of all pending claims.

Initially, Applicants thank the Examiner for considering the documents cited in the Information Disclosure Statement of January 21, 2005.

However, Applicants note that the Examiner did not consider the English language Abstract of JP 2-93263, which was cited in the Information Disclosure Statement of June 10, 2004. Accordingly, the Examiner is respectfully requested to return a copy of the PTO-1449 confirming his consideration of the English language Abstract of JP 2-93263 in the next communication.

In the Official Action, the Examiner rejected claims 1-16 and 21-25 as being anticipated by UENO (U.S. Patent No. 5,040,376). Applicants, however, respectfully traverse the rejection and submit that it is inappropriate with respect to the claims pending in the present application.

Applicants submit that the multi-type air conditioner, as recited in the claims, includes a bypass connected to each of the indoor units for the refrigerant to bypass the inoperative indoor unit. Accordingly, with a bypass, the multi-type air conditioner is configured to prevent refrigerant flow to an inoperative indoor unit, thereby also aiding in noise reduction with respect to an inoperative unit.

However, Applicants submit that UENO does not disclose or suggest at least the above-mentioned features as recited in the claimed combinations. Rather, in UENO,

each input/output path from the branch unit B is connected directly to each indoor unit C1, C2, and C3. That is, UENO does not disclose any alternative flowpaths or detouring routes for the refrigerant to bypass an indoor unit, irrespective of being operable or inoperable.

Although UENO discloses bypasses X1, X2, X3, Y1, Y2, and Y3, UENO discloses that each of these bypasses are respectively connected to G1, G2, and G3 and to either suction tube 3(a) or discharge tube 2(b). That is, the bypasses disclosed by UENO, do not bypass the indoor unit, but are a part of the fluid communication from/to the indoor units. Further, the bypasses, as taught by UENO, are directed towards balancing the pressure of the two-way valves and not towards providing a bypass for the refrigerant to bypass an inoperative indoor unit. Accordingly, as UENO fails to disclose or suggest each and every feature, as recited in the claims, Applicants respectfully request withdrawal of the rejection together with an indication of the allowability of all pending claims.

In the respective claimed combinations, UENO does not disclose a bypass as recited. Thus, in view of at least each of the arguments herein, Applicants submit that claims 1 and 21 are in condition for allowance.

With regard to dependent claims 2-6 and 8-20 and 22-25, Applicants assert that they are allowable on their own merit, as well as because they depend either directly or indirectly from independent claim 1 or 21, which Applicants have shown to be allowable.

Further, Applicants note the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicants note

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amendments made to the pending claims do not raise any new issues requiring further search or consideration, at least since claim 1 has been amended to incorporate the subject matter of examined and considered claim 7 therein. It is also submitted that the present amendment does not raise the question of new matter.

Accordingly, Applicant respectfully requests entry of the present amendment in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding rejections, and indication of the allowability of all claims pending herein.


SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims to enhance clarity and provided explicit evidence of their allowability. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims, which have been made in this amendment and that have not been specifically noted to overcome a rejection based upon the prior art and should be considered to have been made for a purpose unrelated to patentability. Accordingly, no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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